1		THE HONORABLE THOMAS S. ZILLY
2		
3		
4		
5		
6		
7		
8	UNITED STATES DISTRICT COURT WESTERN DISTRICT OF WASHINGTON	
9	AT S	SEATTLE
10	RYAN DIAZ,	No. 2:19-cv-01116-TSZ
11	Plaintiff,	RESPONSE TO MOTION TO APPOINT
12	V.	INTERIM CO-LEAD COUNSEL
13	NINTENDO OF AMERICA INC.,	NOTE ON MOTION CALENDAD.
14	Defendant.	NOTE ON MOTION CALENDAR: September 6, 2019
15		
16	Defendant Nintendo of America Inc. takes no position with respect to Plaintiff Ryan	
17	Diaz's Motion to Appoint Interim Co-Lead Counsel. Mot., ECF No. 15 (Aug. 20, 2019).	
18	Nintendo intends to move to compel arbitration pursuant to the terms of the End User License	
19	Agreement to which Mr. Diaz agreed, and proceeding in arbitration will, in any event, moot the	
20	need to appoint counsel.	
21	//	
22	//	
23	//	
24	//	
25	//	
26	//	
	•	

RESPONSE TO MOTION TO APPOINT (No. 2:19-cv-01116-TSZ) – 1

Perkins Coie LLP 1201 Third Avenue, Suite 4900 Seattle, WA 98101-3099 Phone: 206.359.8000

Case 2:19-cv-01116-TSZ Document 18 Filed 09/03/19 Page 2 of 3

Dated: September 3, 2019 S/Eric J. Weiss			
David J. Burman, WSBA No. 10611			
Eric J. Weiss, WSBA No. 44807 Mallory Gitt Webster, WSBA No. 50025 Perkins Coie LLP 1201 Third Avenue, Suite 4900 Seattle, WA 98101-3099 Phone: 206.359,8000 Emil: DBurman@perkinscoie.com Email: EWeiss@perkinscoie.com Email: MWebster@perkinscoie.com Attorneys for Defendant Nintendo of America Inc. Attorneys for Defendant Nintendo of America Inc. 11 12 13 14 15 16 17 18 19 20 21 22 23 24	1	Dated: September 3, 2019	
Perkins Coie LLP 1201 Third Avenue, Suite 4900 Seattle, WA 98101-3099 Phone: 206.359.8000 Email: DBurman @perkinscoie.com Email: BWeiss@perkinscoie.com Email: Webster @perkinscoie.com Email: Mebster @perkinscoie.com Email: Meb	2		Eric J. Weiss, WSBA No. 44807
Seattle, WA 98101-3099 Phone: 206.359.8000 Email: DBurman@perkinscoie.com Email: MWebster@perkinscoie.com Email: MWebster@perkinscoie.com Attorneys for Defendant Nintendo of America Inc. Attorneys for Defendant Nintendo of America Inc. 11 12 13 14 15 16 17 18 19 20 21 22 23 24	3		Perkins Coie LLP
Email: DBurman@perkinscoie.com Email: EWeiss@perkinscoie.com Email: MWebster@perkinscoie.com Attorneys for Defendant Nintendo of America Inc. Attorneys for Defendant Nintendo of America Inc. 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25	4		Seattle, WA 98101-3099
Attorneys for Defendant Nintendo of America Inc. Attorneys for Defendant Nintendo of America In	5		Email: DBurman@perkinscoie.com
Nintendo of America Inc.	6		Email: MWebster@perkinscoie.com
8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25	7		Attorneys for Defendant Nintendo of America Inc
10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25	8		Timenao oj timenea me.
11	9		
12 13 14 15 16 17 18 19 20 21 22 23 24 25	10		
13 14 15 16 17 18 19 20 21 22 23 24 25	11		
14 15 16 17 18 19 20 21 22 23 24 25	12		
15 16 17 18 19 20 21 22 23 24 25	13		
16 17 18 19 20 21 22 23 24 25	14		
17 18 19 20 21 22 23 24 25	15		
18 19 20 21 22 23 24 25	16		
19			
20 21 22 23 24 25			
21 22 23 24 25	19		
22 23 24 25			
23 24 25			
24 25			
25			
26			
	26		

CERTIFICATE OF SERVICE I certify under penalty of perjury that on September 3, 2019, I caused to be electronically filed the foregoing Response to Motion to Appoint Interim Co-Lead Counsel with the Clerk of the Court using the CM/ECF system, which will send a notification of the filing to the email addresses indicated on the Court's Electronic Mail Notice List. Dated: September 3, 2019 s/ Mallory Gitt Webster Mallory Gitt Webster, WSBA No. 50025

CERTIFICATE OF SERVICE (No. 2:19-cv-01116-TSZ) – 1